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PATENT  
1254-0192P

## IN THE U.S. PATENT AND TRADEMARK OFFICE

Applicant: Akio MATSUDA et al. Conf.: 6200  
Appl. No.: 10/042,211 Group: UNKNOWN  
Filed: January 11, 2002 Examiner: UNKNOWN  
For: NF-κB ACTIVATING GENE

INFORMATION DISCLOSURE STATEMENT  
(SUBMISSION AFTER FILING OF AN APPLICATION  
BUT BEFORE FINAL REJECTION OR NOTICE OF ALLOWANCE  
OR CONCURRENTLY WITH A RULE 53(d) CPA APPLICATION  
OR WITH A RULE 1.114 RCE APPLICATION)

Assistant Commissioner for Patents  
Washington, DC 20231

November 26, 2002

Sir:

Pursuant to 37 C.F.R. §§ 1.97 and 1.98, applicant(s) hereby submit(s) an Information Disclosure Statement for consideration by the Examiner.

I. LIST OF PATENTS, PUBLICATIONS OR OTHER INFORMATION

The patents, publications, or other information submitted for consideration by the Office are listed on the PTO-1449(s), attached hereto.

II. COPIES (check at least one box)

a.  Submitted herewith is a legible copy of (i) each U.S. and foreign patent; (ii) each publication or that portion which caused it to be listed; and (iii) all other information or that portion which caused it to be listed.

b.  The documents listed on the attached PTO-1449 are not enclosed. An IDS has been filed concurrently in parent Application No. 10/024,298 submitting each of the same references listed on the attached PTO-1449 Form. Because of the voluminous size of the documents cited in this IDS, a copy of the references has only been provided with the parent application.

III. CONCISE EXPLANATION OF THE RELEVANCE  
(check at least one box)

a.  DOCUMENTS IN THE ENGLISH LANGUAGE

The attached patents, publications, or other information in the English language do not require a statement of relevancy.

b.  DOCUMENTS NOT IN THE ENGLISH LANGUAGE

A concise explanation of the relevance of all patents, publications, or other information listed that is not in the English language is as follows:

c.  ENGLISH LANGUAGE SEARCH REPORT

An English language version of the search report or action that indicates the degree of relevance found by the foreign office is attached, thereby satisfying the requirement for a concise explanation. See MPEP 609(A)(3).

d.  OTHER

The following additional information is provided for the Examiner's consideration.

FEES

IV.  THIS IDS IS BEING FILED UNDER 37 C.F.R. § 1.97(b):  
(check one box)

a.  within three months of the filing date of a national application (37 C.F.R. § 1.97(b)(1)). No fee or statement is required. (This section is not to be used with RCE's and CPA's).

b.  within three months of the date of entry of the national stage as set forth in § 1.491 in an international application (37 C.F.R. § 1.97(b)(2)). No fee or statement is required.

c.  concurrently with the filing of a Continued Prosecution Application under 37 C.F.R. § 1.53(d) or concurrently with the filing of a Request for Continued Examination under § 1.114 (37 C.F.R. § 1.97(b)(4)). No fee or statement is required.

d.  before the mailing date of a first Action on the merits (37 C.F.R. § 1.97(b)(3)). No fee or statement is required.  
In the event that a first Office Action on the merits has been issued, please consider this IDS under 37 C.F.R. § 1.97(c) and see the statement under 37 C.F.R. § 1.97(e) below, or, if no statement has been made, charge our deposit account in the amount of \$180.00 as required by 37 C.F.R. § 1.17(p).

V.  THIS IDS IS BEING FILED UNDER 37 C.F.R. § 1.97(c):  
(check one box)

before the mailing date of a Final Office Action under 37 C.F.R. § 1.113 (See 37 C.F.R. § 1.97(c)(1)) or before the mailing date of a Notice of Allowance under 37 C.F.R. § 1.311 (See 37 C.F.R. § 1.97(c)(2)).

a.  No statement; therefore, a fee in the amount of \$180.00 as required by 37 C.F.R. § 1.17(p).  
or

b.  See the statement below. No fee is required.

VI. STATEMENT UNDER 37 C.F.R. § 1.97(e) (check only one box)

The undersigned hereby states that

- a.  each item of information contained in the IDS was first cited in any communication from a foreign Patent Office in a counterpart foreign application not more than three months prior to the filing of this IDS; or
- b.  no item of information contained in the IDS was cited in a communication from a foreign Patent Office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, no item of IDS was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of the IDS.
- c.  Some of the items of information were cited in a communication from a foreign Patent Office. As to this information, the undersigned states that each item of information contained in the IDS was first cited in a communication from a foreign Patent Office in a counterpart foreign application not more than three months prior to the filing of this IDS. As to the remaining information, the undersigned hereby states that no item of this remaining information contained in the IDS was cited in a communication from a foreign Patent Office in a counterpart foreign application and, to the best of my knowledge after making reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this statement.

VII. PAYMENT OF FEES (check one box)

- A check in the amount of \$180.00 as required by 37 C.F.R. § 1.17(p) is enclosed for the above-identified fee.
- Please charge Deposit Account No. 02-2448 in the amount required by 37 C.F.R. § 1.17(p) for the above-indicated fee. A triplicate copy of this paper is attached.
- No fee is required.

If the Examiner has any questions concerning this IDS, he/she is requested to contact the undersigned. If it is determined that this IDS has been filed under the wrong rule, the PTO is requested to consider this IDS under the proper rule and charge the appropriate fee to Deposit Account No. 02-2448.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under § 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

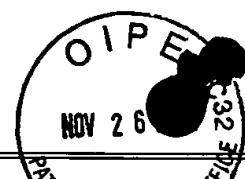
  
By \_\_\_\_\_  
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GMM/las  
1254-0192P

Enclosures:  PTO-1449  
 Documents  
 Foreign Search Report  
 Fee  
 Other:

(Rev. 10/31/01



Form PTO-1449 <b>INFORMATION DISCLOSURE CITATION IN AN APPLICATION</b> (Use several sheets if necessary)				ATTY DOCKET NO. 1254-0192P	APPLICATION NO. 10/042,211		
				APPLICANT Akio MATSUDA et al.			
				FILING DATE January 11, 2002	GROUP Unknown		
<b>U.S. PATENT DOCUMENTS</b>							
EXAMINER INITIAL	DOCUMENT NUMBER	Kind	DATE	NAME	CLASS	SUB CLASS	FILING DATE IF APPROPRIATE
	US 5,872,237		1999-02-16	Feder et al.			
	US						
	US						
	US						
	US						
	US						
<b>FOREIGN PATENT DOCUMENTS</b>							
Office	DOCUMENT NUMBER	Kind	DATE	COUNTRY	CLASS	SUB CLASS	TRANSLATION
							YES
WO	00/59933	A2	2000-10-12	WIPO			
WO	97/18825	A1	1997-05-29	WIPO			
WO	98/50550	A1	1998-11-12	WIPO			
WO	00/04140	A1	2000-01-27	WIPO			
WO	00/55174	A1	2000-09-21	WIPO			
WO	98/14466	A1	1998-04-09	WIPO			
WO	00/55351	A1	2000-09-21	WIPO			
WO	00/55350	A1	2000-09-21	WIPO			
<b>OTHER DOCUMENTS</b> (Include Name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.) date, page(s), volume-issue number(s), publisher, city and/or country where published.)							
Nagase et al., DNA Research 6, 63-70 (1999)							
Hirosawa et al., DNA Research 6, 329-336 (1999)							
Nagase et al., DNA Research 5, 277-286 (1998)							
Nagase et al., DNA Research 6, 337-345 (1999)							
Ruddy et al., Genome Research, 7(5), 441-456 (1997)							
Faber et al., Human Molecular Genetics, 7(9) 1463-1474 (1998)							
EXAMINER				DATE CONSIDERED			
EXAMINER: Initial if citation considered, whether or not citation is in conformance with M.P.E.P. 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.							